

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BRENDAN McGUINNESS,

CIVIL ACTION NO. 05-11738-EFH

Plaintiff,

v.

JAMES R. BENDER, et al.,

Defendants.

MOTION FOR LEAVE TO DEPOSE A PRISONER

Pursuant to Fed.R.Civ.P. 30(a)(2), the Department of Correction defendants, by counsel, move for leave to depose the plaintiff, a state prisoner currently confined in the Souza Baranowski Correctional Center in Shirley, Massachusetts. As reason therefore, the defendants assert that the plaintiff alleges that he was subject to an excessive use of force on January 31, 2005, that plaintiff's claim involves disputes of fact between the parties, and that the deposition of the plaintiff is necessary in order for the defendants to prepare for the trial scheduled to commence on January 2, 2007.

Dated: July 3, 2006

Respectfully submitted,

NANCY ANKERS WHITE
Special Asst. Attorney General

/s/ William D. Saltzman
William D. Saltzman, BBO No. 439749
Department of Correction Legal Division
70 Franklin Street, Suite 600
Boston, Massachusetts 02110
(617) 727-3300, Ext. 154
wdsaltzman@doc.state.ma.us

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on July 3, 2006.

Dated: July 3, 2006

/s/ William D. Saltzman

William D. Saltzman